

Pursuant to 37 CFR 1.121, a version of this claim marked to show the changes made is attached herewith.

### Remarks

The Examiner has rejected claims 1,2,5-16,18-21, 23, and 24 under the judicially created doctrine of obviousness-type double patenting over claims 1,3-13,15-25, 30 and 31 of US Patent 6,296,831. In making this rejection, the Examiner has noted that the radioisotope carrier in the instant invention is not limited to a reversible gelling copolymer as the patented invention. The Examiner has further noted that these claims would be allowed were the Applicant to file a terminal disclaimer. The Applicant has filed a terminal disclaimer herewith, thereby rendering the claims allowable.

The Examiner has rejected claim 20 under 35 CFR 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner has stated that the claim as written is ambiguous because of the term 'derivatives' appearing in the 4<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> lines of the claim, and has suggested the deletion of the term would render the claim allowable. The Applicant has accordingly deleted the term, with the understanding that chelators formed from the derivatives would nevertheless be encompassed within the Applicant's claim 1, which the Examiner has indicated as allowable.

The Examiner has indicated that claims 17, 22, and 25-27 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant believes that as a result of the Applicant's terminal disclaimer filed herewith, the base claims are now allowable, and no rewriting is therefore required.

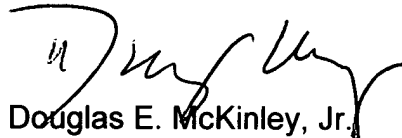
The Examiner has indicated that the PTO records indicate that the filing date is 5/09/01, which is consistent with the Applicant's records. The Applicant appreciates the clarification.

The Examiner has requested that the Applicant submit the year of the reference 'DD' appearing on the information disclosure statement submitted 2/7/02, Paper No. 5. The date is 1987.

Closure

Applicant has made an earnest attempt to place the above referenced application in condition for allowance and action toward that end is respectfully requested. Should the Examiner have any further observations or comments, he is invited to contact the undersigned for resolution.

Respectfully submitted,



Douglas E. McKinley, Jr.  
Reg. No. 40,280

McKinley Law Office  
PO Box 202  
Richland, WA 99352  
Voice (509) 628-0809  
Fax (509) 628-2307



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: RE Weller, MA Lind, DR Fisher, A Gutowska, AA Campbell	) Art Unit: 1616 ) ) Examiner: D. Jones ) ) Paper No: 4 ) ) File No: E-1507CON ) ) Date: December 9, 2002 )
Serial No: 09/853,507	)
Filed: 05/09/01	)
For: STIMULUS SENSITIVE GEL WITH RADIOISOTOPE AND METHODS OF MAKING	)

---

Version with markings to show changes made

CLAIMS

Please amend claim 20 wherein {bracketed subject} matter is to be deleted:

20) (amended) The radioisotope carrier as recited in claim 19, wherein said chelators are selected from the group consisting of 1,4,7,10-tetraazacyclododecane-N,N',N'',N'''-tetraacetic acid (DOTA), {derivatives of DOTA,} tetra-t-butyl-calix[4]arene-crown-6-dicarboxylic acid (TBBCDA), {derivatives of TBBCDA,} 5,11,17,23-tetra-t-butyl-25,26,27,28-tetrakis (caboxymethoxy)-calix[6]arene (HBHC), {derivatives of HBHC,} diethylenetriamine-pentaacetic acid (DTPA), EDTA, {derivatives of DTPA,} and combinations thereof.